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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/49/738)]

49/52. Draft articles on the law of the non-navigational uses of international watercourses

The General Assembly,

Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses, 1/

Noting that the International Law Commission decided to recommend the draft articles to the General Assembly, and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para 222.

Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

Also taking into account the fact that, despite the existence of a number of bilateral treaties and regional agreements, the use of international watercourses is still based in part on general principles and rules of customary law,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

2. Invites States to submit, not later than 1 July 1996, written comments and observations on the draft articles adopted by the International Law Commission;

3. Decides that, at the beginning of the fifty-first session of the General Assembly, the Sixth Committee shall convene as a working group of the whole, open to States Members of the United Nations or members of specialized agencies, for three weeks from 7 to 25 October 1996, to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session;

4. Also decides that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

5. Requests the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at its fifty-first session and to submit at that session all relevant documentation;

6. Decides to include in the provisional agenda of its fifty-first session an item entitled "Convention on the law of the non-navigational uses of international watercourses".

84th plenary meeting
9 December 1994

ANNEX

Methods of work and procedures

The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

The Working Group of the Whole shall start at once with a discussion of the draft articles on an article-by-article basis, without prejudice to the

possibility of simultaneously considering closely connected articles, the decisions on article 2 entitled "Use of terms", being reserved for the concluding stages of the work.

The Working Group of the Whole shall establish a drafting committee.

Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the drafting committee for examination in the light of the discussion.

The drafting committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.